

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 12-47106

SCOTT R. SCHUBINER,

Chapter 7

Debtor.

Judge Thomas J. Tucker

STEVEN P. SCHUBINER, etc.,

Plaintiff,

v.

Adv. No. 17-4677

SHELLEY ZOLMAN,

Defendant.

**ORDER DENYING, WITHOUT PREJUDICE, PLAINTIFF'S MOTION FOR
JUDGMENT ON THE PLEADINGS, OR ALTERNATIVELY, MOTION FOR
SUMMARY JUDGMENT**

This adversary proceeding is before the Court on the Plaintiff's motion entitled "Motion for Judgment on the Pleadings, or, Alternatively, Motion for Summary Judgment" (Docket # 12, the "Motion"). After filing the Motion, on December 21, 2017, the Plaintiff filed an amended complaint (Docket # 19). As a result, the complaint on which Plaintiff's Motion sought judgment on the pleadings is no longer the operative pleading. Thus, the amended complaint renders the Motion moot.

Accordingly,

IT IS ORDERED that the Motion (Docket # 12) is denied, without prejudice to the Plaintiff's right to file a new motion for judgment on the pleadings, or alternatively, a motion for summary judgment, on the Plaintiff's amended complaint.

Signed on January 12, 2018



/s/ Thomas J. Tucker

Thomas J. Tucker
United States Bankruptcy Judge